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CAMPBELL, MILLARD S. DREXLER, ARTHUR D. LEVINSON,
JEROME B. YORK, GARETH C.C. CHANG, LAWRENCE J.
ELLISON, B. JURGEN HINTZ, KATHERINE M. HUDSON,
DELANO E. LEWIS, A.C. MARKKULA, JR., EDGAR S.
WOOLARD, JR., and APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARTIN VOGEL and KENNETH
MAHONEY, on Behalf of Themselves
and All Others Similarly Situated,

Plaintiffs,

v.

STEVEN P. JOBS, PETER OPPENHEIMER,
FRED ANDERSON, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
ALBERT GORE, JR., ARTHUR D.
LEVINSON, JEROME B. YORK and
APPLE COMPUTER, INC.,

Defendants.

Case No. C 06 05208 JF

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING
AND SET BRIEFING SCHEDULE ON
MOTION TO FILE FIRST AMENDED
CONSOLIDATED CLASS ACTION
COMPLAINT**

1 WHEREAS, on December 14, 2007, Lead Plaintiff filed a Motion to File the First
2 Consolidated Class Action Complaint (“FAC”), and noticed that motion to be heard on January
3 18, 2008; and

4 WHEREAS, Defendants intend to file a Motion in Opposition to Lead Plaintiff’s Motion
5 to File the FAC, which, based on the noticed hearing date, would have had to be filed on or
6 before December 31, 2007; and

7 WHEREAS, due to the complexity of the case, the difficulties in scheduling presented by
8 the holiday season, and the parties’ desire to promote judicial economy and efficiency by
9 coordinating a hearing on this motion with a hearing on Defendants’ Motions to Dismiss the
10 Second Amended Consolidated Shareholder Derivative Complaint to be filed in the *In re Apple*
11 *Inc. Derivative Litigation*, Case No. C-06-04128-JF (*see* Stipulation Setting Briefing Schedule
12 filed concurrently in the derivative action), the parties agree that additional time is necessary to
13 adequately brief the issues raised by Lead Plaintiff’s motion; and

14 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
15 parties, through their counsel of record:

16 1. Defendants shall file their Opposition to Lead Plaintiff’s Motion to File the FAC on or
17 before January 23, 2008.

18 2. Lead Plaintiff shall file its Reply Memorandum in Support of its Motion to File the
19 FAC on or before February 13, 2008.

20 3. The hearing on Lead Plaintiff’s Motion shall be held March 14, 2008, or as soon
21 thereafter as counsel may be heard.

1 IT IS SO STIPULATED.

2
3 Dated: January 7, 2008

GEORGE A. RILEY
LUANN L. SIMMONS
O'MELVENY & MYERS LLP

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5 By: /s/ George A. Riley
6 George A. Riley

7 Attorneys for Defendants STEVEN P. JOBS,
8 WILLIAM V. CAMPBELL, MILLARD S.
9 DREXLER, ARTHUR D. LEVINSON, JEROME
10 B. YORK, GARETH C.C. CHANG,
11 LAWRENCE J. ELLISON, B. JURGEN HINTZ,
12 KATHERINE M. HUDSON, DELANO E.
13 LEWIS, A.C. MARKKULA, JR., EDGAR S.
14 WOOLARD, JR., and APPLE INC.

12 Dated: January 7, 2008

JOHN M. POTTER
DIANE M. DOOLITTLE
ELIZABETH B. WYDRA
QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

15 By: /s/ Elizabeth B. Wydra
16 Elizabeth B. Wydra

17 Attorneys for the Special Litigation Committee of
18 Defendant Apple Inc.

19 Dated: January 7, 2008

JEROME C. ROTH
YOHANCE C. EDWARDS
GENEVIEVE A. COX
MUNGER, TOLLES & OLSON LLP

22 By: /s/ Yohance C. Edwards
23 Yohance C. Edwards

24 Attorneys for Defendant FRED D. ANDERSON

25
26
27
28

1 Dated: January 7, 2008

JAY W. EISENHOFER
GEOFFREY C. JARVIS
MICHAEL J. BARRY
MARY S. THOMAS
GRANT & EISENHOFER P.A.

2
3
4
5 By: /s/ Michael J. Barry

Michael J. Barry

6 Attorneys for Lead Plaintiff NEW YORK CITY
7 EMPLOYEES' RETIREMENT PLAN

8 **CERTIFICATION OF CONCURRENCE**

9 I, George A. Riley, am the ECF User whose ID and password are being used to file this
10 Stipulation And [Proposed] Order To Continue Hearing and Set Briefing Schedule on Motion to
11 File First Amended Consolidated Class Action Complaint. In compliance with General Order 45,
12 X.B., I hereby attest that Elizabeth B. Wydra, Yohance C. Edwards, Sarah A. Good, and Michael
13 J. Barry have concurred in this filing.

14 Dated: January 7, 2008

GEORGE A. RILEY
LUANN L. SIMMONS
O'MELVENY & MYERS LLP

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16
17 By: /s/ George A. Riley

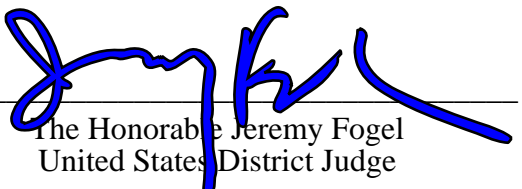
George A. Riley

18 Attorneys for Defendants STEVEN P. JOBS,
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LEWIS, A.C. MARKKULA, JR., EDGAR S.
WOOLARD, JR., and APPLE INC.

23 **ORDER**

24 Pursuant to stipulation, IT IS SO ORDERED.

25 Dated: 1/14/08

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The Honorable Jeremy Fogel
United States District Judge